

*REMARKS**Overview*

Claims 1-34, 36-42 and 46-54 are presently pending in this application. Claims 1-31, 34, 36-38 and 50-52 are allowed. Claims 32-33 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent Publication No. 2002/0020740 to Aarons et al. (hereinafter “Aarons”) in view of U.S. Patent Publication No. 2001/0042009 to Montague et al. (hereinafter “Montague”). Claims 40-42 were rejected under 35 U.S.C. § 103(a) as being obvious over Canadian Patent Application No. 2,300,241 to Weatherford et al. (hereinafter “Weatherford”). Claims 53-54 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 7,065,195 to Smith et al. (hereinafter “Smith”). Claims 39 and 46-49 have been withdrawn from consideration.

Claims 32-33 and 40-42 have been canceled.

Claims 1-31, 36-39 and 46-54 remain for consideration in this application.

Applicants are grateful for their interview with the Examiner on March 8, 2007, and follow-up during the week of March 26, 2007.

Rejection of Claims 53 and 54

Claims 53 and 54 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Smith. In particular, the Examiner has stated that Smith discloses a card comprising a first surface and a second surface, a magnetic stripe extending along the first surface in a first direction and an edge. The Examiner has further stated that the edge of Smith comprises first and second spaced apart points along a line substantially parallel to the first direction and tangent to the card. The Examiner has also stated that each of the first and second points are spaced from the magnetic stripe by a first distance, and there is a segment (notch) between the first and second points including at least a portion being spaced from the magnetic stripe by less than the first distance.

In their interview with the Examiner, Applicants noted that the first and second points identified by the Examiner in Smith cannot each be spaced from the magnetic stripe by the same first distance. Applicants argued that, because the magnetic stripe in Smith does not extend all

the way across the card to the portion containing the second point, the line from the second point to the magnetic stripe is angled in Smith, so its distance must necessarily be greater than the distance between the first point and the magnetic stripe (perpendicular). The Examiner agreed with this reasoning, but requested an amendment to clarify how distance is to be measured. Applicants appreciate the Examiner's suggestion, and have amended claim 53 accordingly.

Additionally, in a follow-up interview the Examiner suggested that claim 53 potentially could be considered obvious under § 103 in light of Aarons and Montague. In particular, the Examiner expressed her belief that the "Shamrock" shaped CD-ROM of Montague (Figs. 3 and 4) could be combined with the magnetic stripe on the CD-ROM of Aarons, resulting in a card containing all the elements of claim 53.

Applicants respectfully disagree that such a combination would contain all the elements of claim 53, or that such a combination is obvious. Montague does not teach or suggest the inclusion of a magnetic stripe on a shamrock-shaped CD-ROM. (See Figs. 3 and 4). Moreover, even if there was some suggestion to combine Montague and Aarons, the mere combination of the references would not, and does not, disclose the precise relationship of the magnetic stripe to the "lobes" of the shamrock.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

/Aaron R. Feigelson/
Aaron R. Feigelson, Reg. No. 59,022
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

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